

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

RICHARD F. DAINES, M.D., as Commissioner of Health of
the State of New York, to determine the action to be taken
with respect to:

Rosa Coplon Jewish Home and Infirmary, Inc.

Respondent,

as operator of

Rosa Coplon Jewish Home and Infirmary
2700 North Forest Road
Getzville, New York 14068

STIPULATION

AND

ORDER

HHC-08-04

arising out of alleged violations of Article 36 of the Public
Health Law of the State of New York and Title 10 (Health)
of the Official Compilation of Codes, Rules and Regulations
of the State of New York

WHEREAS, the New York State Department of Health (the "Department") has
conducted surveys and inspections of Rosa Coplon Jewish Home and Infirmary,
operated by Rosa Coplon Jewish Home and Infirmary, Inc. (the "Respondent") and has
found violations of Article 36 of the Public Health Law and Title 10 (Health) of the
Official Compilation of Codes, Rules and Regulations of the State of New York (10
NYCRR); and

WHEREAS, a Statement of Deficiencies resulting from the Department's survey
on August 23, 2006, was issued to the Respondent; and

WHEREAS, prior to the service on the Respondent of a Notice of Hearing and
Statement of Charges and the commencement by the Department of an administrative

enforcement action based on the alleged violations, the Department and the Respondent engaged in settlement discussions; and

WHEREAS, the parties now wish to resolve this matter by means of a settlement instead of an adversarial administrative hearing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. The matter relating to alleged violations of Article 36 of the Public Health Law and 10 NYCRR, as set forth in the Statement of Deficiencies dated August 23, 2006, is hereby settled and discontinued with prejudice upon the terms and conditions set forth in this Stipulation and Order.

2. Solely for the purpose of resolving the instant administrative matter, the Respondent admits the existence of substantial evidence of violations of:

10 NYCRR 763.4(a) (Policies and Procedures of Service Delivery);

10 NYCRR 763.4(h) (Policies and Procedures of Service Delivery);

10 NYCRR 763.5 (Patient Referral Admission and Discharge);

10 NYCRR 763.6(b) (Patient Assessment and Plan of Care);

10 NYCRR 763.6(e) (Patient Assessment and Plan of Care);

10 NYCRR 763.7(a) (Clinical Records);

10 NYCRR 763.11(a) (Governing Authority); and

10 NYCRR 763.11(b) (Governing Authority);

The foregoing admission is not intended for use in any other forum, tribunal or court, including any Medicare or Medicaid enforcement proceeding and including any civil or criminal proceeding in which the issues or burden of proof may differ. Any such admission is without prejudice to the Respondent's rights, defenses and claims in any

other matter, proceeding, action, hearing or litigation not involving the Department. It is agreed that the foregoing admission is not intended to be dispositive of any allegations of medical malpractice that may be made in a civil action for monetary damages.

3. Pursuant to Sections 12 and 206 of the Public Health Law, a civil penalty of \$10,000 is assessed against the Respondent. The Respondent shall pay \$5,000 of that amount within thirty (30) days from the effective date of this Stipulation and Order. Payment of the remaining \$5,000 shall be suspended provided that the Respondent does not violate the terms of this Stipulation and Order, Public Health Law Article 36 and/or the applicable provisions of 10 NYCRR within three (3) years after the effective date of this Stipulation and Order.

4. Payment shall be made to the New York State Department of Health, Bureau of Accounts Management, Corning Tower, Room 1258, Empire State Plaza, Albany, New York 12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non-renewal of permits and licenses. [Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32].

5. The Respondent consents to the issuance of this Stipulation and Order, accepts its terms and conditions, and waives any right to challenge or review this Stipulation and Order through administrative or judicial proceedings, including a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

6. This Stipulation and Order shall be effective upon service on Respondent

or Respondent's attorney or representative of a copy by personal service or by certified or registered mail.

DATED: Getzville, New York
Feb. 12, 2008


Rosa Coplon Jewish Home and Infirmary, Inc.

BY:  Pres & CFO

AGREED AND SO ORDERED:

DATED: Albany, New York
2/24/2008

NEW YORK STATE DEPARTMENT OF HEALTH

BY: 
RICHARD F. DAINES, M.D.
Commissioner of Health

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Mail Payment To:

New York State Department of Health
Bureau of Accounts Management
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